UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

MICAH FIALKA-FELDMAN,

Plaintiff,

Case No. 08-CV-14922 Hon. Patrick J. Duggan

V.

OAKLAND UNIVERSITY BOARD OF TRUSTEES,

Defendant.

MICHIGAN PROTECTION &
ADVOCACY SERVICE, INC.
By: Chris E. Davis (P52159)
Gabrielle S. Frampton (P59499)
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BUTZEL LONG
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AFFIDAVIT OF RICK FELDMAN

STATE OF MICHIGAN)
)s:
COUNTY OF WAYNE)

Email: cdavis@mpas.org Email: gframpt@mpas.org

- I, Rick Feldman, being duly sworn, deposes and says as follows:
- 1. My name is Rick Feldman and I am the father of the plaintiff Micah Fialka-

Feldman.

2. I was personally involved in several meetings with Robert Wiggins, Associate Dean, and Lionel Maten, Housing Director, concerning the OPTIONS program and housing at the Oakland University.

- 3. Lionel Maten participated in at least one of Micah's Person Centered Planning meetings, which occurred in the spring of 2007, part of this meeting included discussions about housing at Oakland University for Micah.
- 4. When Micah and I toured the housing at Oakland University in the spring of 2007, Lionel Maten was the person that arranged the tour and he personally greeted us at the start of the tour. The point is that we were dealing with an Associate Dean and the Housing Director; I would expect that they would know what the housing policies and rules of the university are.
- 5. No person from the University ever told me that Micah would have to meet a grade point average requirement in order to be admitted or continue living in oncampus housing. The discussions I had with university officials before the fall of 2007, implied that once Micah was in the OPTIONS program he would be officially a student and no longer a "guest student." Once he was a student se would be eligible for housing.
- 6. During several discussions that took place between 2006 to 2008 it was mentioned several times that eventually there could be a certificate of graduation for students in the OPTIONS program and participation in the graduation program.
- 7. It was suggested to us to wait and apply for housing in the winter term instead of the fall term at the start of the school year. This was so the housing department would know if there were any openings available in the residence halls. We were told if there were openings Micah should be able to get into the dorms and that is exactly what happened. He was approved and then his approval was rescinded.
- 8. The requirement that Micah be enrolled in a program leading to a degree was not mentioned prior to his approval being rescinded.

Ruff Felden

If called as a witness and sworn, I am competent and fully able to testify to the matters stated herein.

Rick Feldman

Subscribed and sworn to before me

this Granuary, 2009.

Notary Public

Wayne County, State of Michigan

My Commission expires: 12-4-2014

Acting in Wagne County